

260871

FMCSA-2003-16613-2

11-22-03

PO Box 156

Kunta OK 74552

US DOT Dockets
US Dept of Transportation
400 7th St. SW
Room PL-401
Washington, DC 20590

DEPT OF TRANSPORTATION
DOCKETS
2003 NOV 26 P 2:13

To Whom it May Concern:

On 10-30-03 I wrote a letter requesting an administrative review as I feel an error was made in assigning a proposed safety rating of unsatisfactory. This letter mailed by certified mail on 10-31-03 + was received by your office on 11-12-03 + signed for by S. Kunta. I'm enclosing proof of this by the US Postal Service. I'm enclosing copies of that request. I have since received a notice of claim in which I'm supposed to pay over 2000%, I'm also enclosing a copy of the reply to that,

Sincerely

James E Foster

PS. today I received my return from the postal service + L Pearson signed for it on the 11-19-03 - ??

2002 0860 0008 3945 0527

CERTIFIED MAIL RECEIPT
(Domestic Mail only, No Insurance coverage provided)

00101111 0000

Postage	\$ 83
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.88

Sent To: U.S. DoT Dockets U.S. Dept of Trans
 Street, Apt. No.: 400 7th St SW, Room 7L-401
 or PO Box No.: Washington, D.C. 20590
 City, State, ZIP+4: Washington, D.C. 20590

Postmark: OCT 12 2003
 Delivered to: S. Kumbha

SENDER COMPLETES THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
USDOT Dockets
U.S. Dept of Transportation
400 7th St, SW, Room 7L-401
Washington, D.C.
20590

RECEIVED BY ADDRESSEE

A. Signature [Signature] ☒ Agent
 B. Received by (Printed Name) W. Pearson ☐ Addressee
 C. Date of Delivery 11/19/02
 D. Is delivery address different from item 1? ☐ Yes ☐ No
 If YES, enter delivery address below:

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
 4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label)
 PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1035

2002 0860 0008 3945 0534

CERTIFIED MAIL RECEIPT
(Domestic Mail only, No Insurance coverage provided)

00101111 0000

Postage	\$ 83
Certified Fee	2.30
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Postmark: OCT 12 2003
 Delivered to: S. Kumbha

10-30-03

PO Box 156

KINTA OK 74552

US DOT Dockets

US Dept of Transportation

400 7th St. SW.

Room PL-401

Washington, DC 20590

Dear Simon Maam:

I request a review be made because I believe an error was committed in assigning the proposed safety rating.

I was told to bring a list of currently employed drivers and their files, which I did. A total of 5 drivers. I also brought everything else on the list (copies of)

After the compliance review was finished on 9-26-03, I was asked to sign documents & did sign the 1st one but the next one was not correct so I did not sign it. The investigator wanted driver files for the past year & because I did not bring them (I wasn't asked to) they counted against me. I agreed to fax the others to her & did. She had a total of 13 driver files to check but I noticed on the report that only 5 were checked which would produce an incorrect situation.

I have 130 more pages to Mr Brooks after the review

Concerning the pre-employment
drug test results, my son & I were
doing this before that was required but
we have both come up for randoms &
the neg test results are in our files
along with medical exams & everything
else required. ^{copies of} ~~copies of~~ I also have the
neg. test results for the other 11 drivers
which are in their files & were shown
to the investigator. Checks were done with form
employees & ^{more} this is not by far my first
compliance review. I feel there has
been an error and my rating should
be satisfactory.

Sincerely,

James E. F. F. F.

UNITED STATES DEPARTMENT OF TRANSPORTATION



US DOT #:
00495192

LEGAL: JAMES E FOBBER

OPERATING (DBA):

REVIEW TYPE: CR
STATUS: Update
PLACE: Principal Office
CENSUS TYPE: Carrier
BUSINESS: Individual

PHYSICAL ADDRESS: P O Box 156
COUNTY: 061 Kinta, OK, 74552

MAILING ADDRESS: P O Box 156
COUNTY: 061 Kinta, OK, 74552

PHONE: (918)768-3441 TOLL FREE: FAX #: (918)768-3194

E-MAIL:

MC/MX #: FEDERAL TAX ID #: 415-70-5324 (SSN)

OPERATION TYPE

CARRIER OPERATION:

SHIPPER OPERATION:

INTERSTATE

INTRASTATE

OIC: 40

TERRITORY:

Non-HM

N/A

N/A

N/A

CARRIER CLASSIFICATION: (C)
Private(Property)

CARGO CLASSIFICATION: (O)
Livestock

EQUIPMENT:	TRUCK	TRUCK TRACTOR	TRAILER	HM TANK TRUCK	HM TANK TRAILER	MOTOR COACH	SCHOOL BUS	LIMO	PASS. VAN
OWNED		6	5						
TERM LEASED									
TRIP LEASED									
DRIVERS:	INTER	INTRA	Avg. Trip Leased Drivers/Mo.:				Does carrier transport placardable quantities of HM?		
<100 Miles:	1		Total Drivers: 5						
>= 100 Miles:	4		CDL Drivers: 5						
							No		

Questions about this report or the Federal Motor Carrier Safety or Hazardous Materials regulations may be addressed to the Federal Motor Carrier Safety Administration at:

300 N. Meridian, Suite 106-S
Oklahoma City, OK 73107-6560
Phone: (405)605-6047 Fax: (405)605-6176

This report will be used to assess your safety compliance.

PERSON(S) INTERVIEWED: James E. Fobber Coretta Fobber
TITLE(S): Owner Wife

REPORTED BY: *Martina Brooks* TITLE: *ME* CODE: US0218 DATE: 10/23/2003

RECEIVED BY: *refused to sign* TITLE:

MCS-151/CR CAPRI Versic

PART A

Printed 10/22/2003 3:30 PM

*this front page
was signed by
me on 9-26-03*



COMPLIANCE JAMES E FOSBER
REVIEW USDOT: 00495192

DATE: 10/23/2003

PAGE: 1

PART B

1 FEDERAL	PRIMARY: 40.25(b) SECONDARY: 382.105	NUMBER FOUND	NUMBER CHECKED	DRIVERS/VEHICLES	
		5	5	IN VIOL	CHKD
				5	5

DESCRIPTION:

Failing to request information from previous DOT regulated employers of driver applicant for of application or transfer.

*Jimmy Montague
did not have a
DOT regulated employe
before me.
All others were chkd
as noted in driver
files*

EXAMPLE:

Jimmy Don Montague, 6/17/03

2 FEDERAL CRITICAL	PRIMARY: 382.301(a)	NUMBER FOUND	NUMBER CHECKED	DRIVERS/VEHICLES	
		5	5	IN VIOL	CHKD
				5	5

DESCRIPTION:

Using a driver before the motor carrier has received a negative pre-employment controlled substance test result.

EXAMPLE:

Roger Alan Crabb, Trip 4/11/03; No pre-employment test given or results on file.

*All drivers except
Mr Crabb had a neg
pre employment*

3 FEDERAL CRITICAL	PRIMARY: 391.45(b)(1) SECONDARY: 391.11(a)	NUMBER FOUND	NUMBER CHECKED	DRIVERS/VEHICLES	
		3	5	IN VIOL	CHKD
				3	5

DESCRIPTION:

Using a driver not medically examined and certified during the preceding 24 months.

*test - unusual
circumstance*

EXAMPLE:

Marvin Ray Bowen, 5/13/03,
Medical expired 5/1/03

*Mr Bowen has
a medical card
this one had
expired long 12
days & he was
no longer employed
by me on 5-13-03*

4 FEDERAL	PRIMARY: 391.51(b) SECONDARY: 391.51(a)	NUMBER FOUND	NUMBER CHECKED	DRIVERS/VEHICLES	
		3	5	IN VIOL	CHKD
				3	5

DESCRIPTION:

Failing to maintain driver qualification file in accordance with 391.51(b).

EXAMPLE:

Roger Alan Crabb, 4/11/03

*All had driver
qualification files
except Mr Crabb
unusual circumstance*

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COMPLIANCE JAMES E FOBBER
REVIEW USDOT: 00495192

DATE: 10/23/2003

PAGE: 2

5 FEDERAL CRITICAL	PRIMARY: 395.8(k)(1)	FOUND 98	NUMBER CHECKED 146	DRIVERS/VEHICLES IN VIOL 5	CHKD 5
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DESCRIPTION:

Failing to preserve driver's record of duty status for 6 months.

EXAMPLE:

Marvin R. Bowen 5/13/03

SAFETY FITNESS RATING INFORMATION:		OOS Vehicles (CR) :		0	
Total Miles Operated:	420,553	# of Vehicles Inspected (CR) :		0	
Recordable Crashes	0	OOS Vehicles (MCMIS) :		4	
Recordable Crashes / Million Miles:	0.000	# of Vehicles Inspected (MCMIS) :		5	
Your proposed safety rating is UNSATISFACTORY		RATING FACTORS		# OF POINTS	
				ACUTE CRITICAL	
		Factor 1:	S	0	0
		Factor 2:	U	0	2
		Factor 3:	U	0	2
		Factor 4:	C	0	0
		Factor 5:	N	0	0
		Factor 6:	S	-	-

out of 27
roadside inspections
I count 3 oos
that were corrected
at the time of
inspection

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COMPLIANCE JAMES E FODDER
REVIEW USDOT: 00495192

DATE: 10/23/2003

PAGE: 3

PART B

YOUR ABILITY TO OPERATE IN INTERSTATE COMMERCE WILL BE AFFECTED BY A FINAL UNSATISFACTORY SAFETY RATING.

EFFECTIVE DATE: The Federal Motor Carrier Safety Administration (FMCSA) headquarters office in Washington, D.C. will notify you of your rating in a forthcoming official notice. Your unsatisfactory safety rating will take effect 61-days after the date on the notice of the "proposed" rating (49 CFR 385.11(c)(1)).

PROHIBITION: Owners or operators of commercial motor vehicles (except for those that are designed or used to transport hazardous materials for which placarding is required and/or are designed or used to transport passengers), who have been declared "unfit" may not operate in interstate commerce beginning on the 61st day after the date of such fitness determination and may not reestablish interstate operations until they become fit for such transportation. An owner or operator is unfit when the Federal Motor Carrier Safety Administration (FMCSA) issues a final "unsatisfactory" safety rating (49 USC 31144(c) and 49 CFR 385.13(a)). All Federal departments, agencies, or instrumentalities are prohibited from using any owner or operator who is unfit by virtue of having a final unsatisfactory safety rating (49 USC 31144(e) and 49 CFR 385.13(b)). Owners and operators are "fit" when the FMCSA issues a final "conditional" or "satisfactory" safety rating.

An owner or operator receiving a notice of a proposed "unsatisfactory" safety rating from the FMCSA must improve that rating to "conditional" or "satisfactory" within 60 days from the date of the notice. Owners or operators who fail to improve upon their rating within this 60-day period are prohibited from operating in interstate commerce beginning on the 61st day after the date of the rating notice. You may also be subject to State laws that would allow the suspension and/or revocation of vehicle registration privileges.

APPEAL RIGHTS: Owners or operators of commercial motor vehicles may appeal proposed safety rating in the following manners:

[A] REQUESTS FOR A CHANGE TO SAFETY RATING BASED UPON CORRECTIVE ACTIONS (49 CFR 385.17): A request for a change to a safety rating for corrective action may be made at any time. This request must be made in writing to the FMCSA Service Center for the geographic area where the carrier maintains its principal place of business (See 49 CFR 390.27). The request must be based upon evidence that the carrier has taken corrective actions and that its operations currently meet the safety fitness standards and factors specified in 49 CFR 385.5 and 385.7. The FMCSA will make a final determination based upon the documentation submitted and any other additional relevant information. A written decision will be issued by the FMCSA. Any motor carrier whose request for change is denied may, within 90-days after the denial, request administrative review under 49 CFR 385.15.

[B] ADMINISTRATIVE REVIEW (49 CFR 385.15): A request may be made to the FMCSA to conduct an administrative review if you believe that an error was committed in assigning the proposed safety rating or when your request under 49 CFR 385.17 was denied. This request must be made within 90 days of the date of the proposed safety rating issued under 49 CFR 385.11(c) or within 90-days of the date of an Order denying your request for a rating change under 49 CFR 385.17.

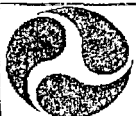
Owners or operators may seek administrative review (49 CFR 385.15) by filing a petition for Review at the following address: U.S. DOT Dockets, United States Department of Transportation, 400 7th Street, SW., Room PL-401, Washington, D.C. 20590. A copy of the Petition must also be sent to: The Chief Safety Officer, Federal Motor Carrier Safety Administration (Attention: Adjudications Counsel), 400 7th Street, SW., Room 3419, Washington, D.C. 20590. The appeal should include a copy of this compliance review and the forthcoming official notice from the FMCSA headquarters office. All subsequent filings must also be served in the same manner.

The FMCSA will conduct a review of the request and issue a decision within 45-days of receipt of that request (49 CFR

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COMPLIANCE JAMES E FOBBER

REVIEW USDOT: 00495192

DATE: 10/23/2003

PAGE: 4

PART B

385.15(e)(1) and 385.17(e)(1)). The FMCSA highly recommends that owners and operators file requests for administrative review (49 CFR 385.15) within 15-days from the date on the notice of the "proposed" rating (49 CFR 385.15(c)(1)). This will allow sufficient time to review the request and issue a written decision before the prohibitions on operating in interstate commerce take effect. Administrative review requests must be made within 90 days of the date on the notice of the "proposed" rating (49 CFR 385.15(c)(2)). However, failure to petition within 15-days from the date on the notice of the "proposed" rating may prevent the FMCSA from issuing a final decision before the prohibitions on interstate transportation takes effect (49 CFR 385.15(c)(1)).

A petition to contest the rating or a request for a change in the rating will not automatically postpone the effective date of your final rating.

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PART B

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COMPLIANCE JAMES E FOBBER
REVIEW USDOT: 00495192

DATE: 10/23/2003
PAGE: 1

Requirements and/or Recommendations

- 1 Ensure that all drivers are fully and properly qualified before operating in interstate commerce. Maintain a complete file as required for each driver, documenting the qualification process. A complete file should contain: a proper application (CDL drivers are required to provide you with 10 years employment history), previous employer checks (3 years), copy of medical examiner's certificate (generally every 2 years), list of violations (initially and yearly), copy of CDL, MVR checks (initially and yearly), annual review.
- 2 Do not allow drivers to drive interstate unless they have been physically re-examined each 24 months.
- 3 Ensure all drivers subject to pre-employment, random, reasonable cause, post accident, return to duty, and/or follow-up controlled substance testing are tested as required by Part 382 of the FMCSR.
- 4 Maintain all required controlled substance testing records including yearly summaries, quarterly summaries, test information, test results, records of training and any other record required by Part 382 of the FMCSR.
- 5 Request information from previous DOT regulated employers of driver applicant for the two years prior to the date of application or transfer.
- 6 Review 49 CFR Section 382.301, all drivers who drive a CMV which requires a CDL must be pre-employment (Pre-Use) drug tested prior to using the driver to perform a safety sensitive function. If a driver has a break in service for more than 30 days, the driver must be pre-use tested. This also includes when you move a driver from a Non-CDL position.
- 7 Ensure all vehicles are systematically repaired and maintained. Establish a complete file for each vehicle, and record all inspection, maintenance, and repair operations performed and due dates. It is suggested that you keep records pertaining to each individual unit in its own folder or jacket.
- 8 A motor carrier shall not use a commercial motor vehicle unless each component identified in Appendix G has passed an inspection in accordance with the terms of this section at least once during the preceding 12 months and documentation of such inspection is on the vehicle.
- 9 Establish a system to control drivers' hours of service. Do not dispatch drivers who don't have adequate hours available to complete assigned trips legally. Do not allow drivers to exceed the 10, 15 and 60/70 hour limits.
- 10 Ensure all drivers' records of duty status are accurate. Check records against supporting documents to verify accuracy. Prohibit falsification of duty status records by any of your drivers.
- 11 Ensure all documents supporting records of duty status (such as toll, fuel repair and other on-the-road expense receipts, as well as invoices, bills of lading, dispatch records, etc.) are kept on file for at least 6 months.
- 12 Obtain from any driver used for the first time or intermittently a signed statement showing the total time on duty during the preceding 7 days and time at which last relieved from duty. File with records of duty status.

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COMPLIANCE JAMES E FOBBER

REVIEW

USDOT: 00495192

DATE: 10/23/2003

PAGE: 2

Requirements and/or Recommendations

- 13 Require all drivers to prepare complete, accurate records of duty status for each day, and to submit them within 13 days. Maintain all duty status records on file, with all supporting documents, for at least 6 months.
- 14 Notice: On April 28, 2003, the FMCSA published a final rule revising the hours-of-service regulations for commercial motor vehicle drivers. Under the new rule, drivers may drive 11 hours after 10 consecutive hours off-duty, but may not drive beyond the 14th hour after coming on-duty. Similar to existing rules, drivers may not drive after being on-duty for 60 hours in a seven-consecutive-day period or 70 hours in an eight-consecutive-day period. This in-duty cycle may be restarted whenever a driver takes at least 34 consecutive hour off-duty. Short-haul truck drivers, who routinely return to their place of dispatch after each duty tour and then released from duty, may have an increased on-duty period of 16 hours once during any seven consecutive day period.
- Carriers and commercial motor vehicle drivers are required to comply with the current hours-of-service rules through January 3, 2004. Compliance with the "new" regulations is mandatory for all carriers, except passenger-carrying operations, beginning on January 4, 2004. Passenger-carrying motor carriers and drivers are not subject to the new maximum driving limits. For more information, please access the FMCSA website at www.fmcsa.dot.gov.
- 15 This review will result in a Safety Rating.
- 16 As of January 20, 1994, the use of radar detectors or similar such devices became illegal. Do not require or permit your drivers to use them. Take appropriate disciplinary action against your drivers if you find that they are using such devices.
- 17 This report contains citations of regulations that are deemed serious in nature and could result in penalties against your company and/or your drivers.
- 18 Notice: Recurring violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) that result in three enforcement actions within a six year period will cause the maximum penalties allowed by law to be assessed for the third enforcement action.
- 19 Within 15 days, send a letter to our office describing what actions you have taken in response to this review to ensure you are complying with the Federal Motor Carrier Safety Regulations. Send the letter to: FMCSA, 300 N. Meridian, Suite 106 South, Oklahoma City, OK 73107-6560.
- 20 If you have any questions concerning this report, please contact the Federal Motor Carrier Safety Administration, 300 North Meridian, Suite 106 South, Oklahoma City, OK 73107. (405-605-6047 or 940-544-2484)
- 21 Within 30 days, send a letter to our office requesting a follow up review. Within 60 days of this compliance review, a follow up review must be completed. If a letter is not received within 30 days and another review is not completed within 60 days, the proposed Unsatisfactory rating will go into effect and an Operational Out of Service Order will be issued. Send the letter to FMCSA, 300 N. Meridian, Suite 106 South, Oklahoma City, OK 73107-6560.

RECEIVED BY: *[Signature]*

TITLE:



JAMES E FOBBER

USDOT: 00495192

State #:

Date: 10/23/2003

Page No: 1

Safety Fitness Rating Report

This report lists the facts which were used to determine the Safety Fitness Rating for the above motor carrier. A check mark identifies the range within which the data fell when determining the Safety Fitness Rating. All information within a FACTOR block relates only to that FACTOR.

FACTOR 1 General (CFR Parts 387, 390) ☒ 0 Point = Satisfactory
1 Point = Conditional
VIOLATIONS AFFECTING RATING POINTS >1 Point = Unsatisfactory
NONE TOTAL POINTS: 0 = SATISFACTORY

FACTOR 2 Driver Qualification (CFR Parts 382, 383, 391) 0 Point = Satisfactory
1 Point = Conditional
VIOLATIONS AFFECTING RATING POINTS ☒ >1 Point = Unsatisfactory
F 382.301(a) 1 (C)
F 391.45(b)(1) 1 (C)
TOTAL POINTS: 2 = UNSATISFACTORY

FACTOR 3 Operational/Driving (CFR Parts 392, 395) 0 Point = Satisfactory
1 Point = Conditional
VIOLATIONS AFFECTING RATING POINTS ☒ >1 Point = Unsatisfactory
F 395.8(k)(1) 2 (C)
TOTAL POINTS: 2 = UNSATISFACTORY

FACTOR 4 Vehicle/Maintenance (CFR Parts 393, 396, Performance Data (OOS%))
VIOLATIONS AFFECTING RATING POINTS Out-of-Service (OOS) Percentage: 80.0
NONE TOTAL POINTS: 0 & 80.0% OOS = **CONDITIONAL** (see chart)

Fewer than 3 Inspections	3 or more Inspections	
Rate same as other Regulatory Factors 1, 2, and 3 0 Point = Satisfactory 1 Point = Conditional >1 Point = Unsatisfactory	OOS Less than 34%	OOS 34% or Higher
	Satisfactory	<input checked="" type="checkbox"/> Conditional
	Conditional If a pattern of Non-Compliance with a Critical or an Acute Violation	Unsatisfactory If a pattern of Non-Compliance with a Critical or an Acute Violation

FACTOR 5 Hazardous Material (CFR Parts 397, 171, 177, 180)

Not Applicable - Not a carrier of Hazardous Material

FACTOR 6 Crash (Recordable Crash Rate)

((Recordable Crashes) X (1 million)) ÷ (Total Miles) = Rate
(0 X 1,000,000) ÷ 420,553 = 0.000 = SATISFACTORY

CRASH RATE FACTOR RATING
☒ 0.000 - 1.500 = Satisfactory
>1.500 = Unsatisfactory

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Printed 10/23/2003 11:46 AM



JAMES E FOBBER

USDOT: 00495192

State #:

Date: 10/23/2003

Page No: 2

Safety Fitness Rating Report

OVERALL SAFETY FITNESS RATING:

Number of Factors (1-6) shown above as less than satisfactory

Unsatisfactory

Conditional

2

1

=

UNSATISFACTORY

FORMULA TO CALCULATE THE OVERALL SAFETY FITNESS RATING

Number of Factors

Unsatisfactory

Conditional

OVERALL RATING

0

2 or fewer

Satisfactory

0

3 or more

Conditional

1

2 or fewer

Conditional

1

3 or more

Unsatisfactory

✓

2

0 or more

Unsatisfactory

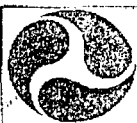
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USDOT: 00495192

Date: 10/23/2003

Page No: 1

Recommendation Text

This compliance review has been conducted to determine overall compliance with the Federal Motor Carrier Safety Regulations (FMCSR) and the Federal Hazardous Material Regulations (HMR).

The results of this review indicate that your operations do not have adequate safety management controls in place to ensure compliance with the Federal safety fitness standards outlined within 49 CFR 385.5 and 385.7. There is a high probability that an unsatisfactory safety rating will be issued because of this lack of adequate safety management controls.

The recommendations listed on the accompanying report will assist you in identifying areas needing management controls. This list is intended as a tool in assisting you with compliance with the FMCSR and HMR. Following these recommendations will not, in and of themselves, assure that all steps have been taken to improve overall compliance with appropriate Federal safety requirements. It is your responsibility to institute appropriate, sufficient, and timely safety management controls.

09/11/2003 02:00 9405442484



U.S. Department
Of Transportation
**Federal Motor Carrier
Safety Administration**

Oklahoma Division
300 N. Meridian Avenue, Suite 106-S
Oklahoma City, OK 73107-6560

Thursday, September 11, 2003

James E. Fobber
300 N. Meridian, Suite 106 South
Oklahoma City, OK 73107

Dear Mr. Fobber:

A compliance review has been scheduled to review your records and safety management practices. Per your request, this review will be conducted at our office which is:

300 N. Meridian, Suite 106 South, Oklahoma City, OK 73107

Compliance Review is scheduled for

Tuesday, September 23, 2003, at 8 am

The review will consist of examining records such as controlled substance and alcohol testing records, driver qualification files, record of duty status (logs) and supporting documents that verify the accuracy of the logs, as well as maintenance and vehicle inspection records on the vehicles you operate that are subject to the regulations.

The following is a list of the records we are requesting you provide during this review. More specific information can be found in the Federal Motor Carrier Safety Regulations found in 49 CFR Parts 382 through 396 and the Hazardous Materials Regulations found in 49 CFR Parts 100 through 185:

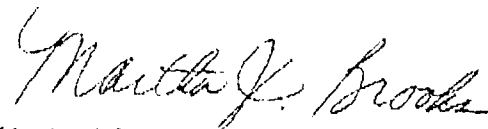
- 1) Part 382 - Controlled Substances and Alcohol Use Testing records required in 49 CFR 382.401. Including a copy of the company's policy, all drug and alcohol testing paperwork and results, ALL positive test results, prior employer checks, quarterly laboratory statistical summary reports, and an annual summary for the past calendar year (Please complete the attached "Drug and Alcohol Test Form").
- 2) Part 387 - Proof of Financial responsibility as required in 49 CFR 387.7(d). Copy of a signed Form MCS-90, Endorsement for Motor Carriers Policies of Insurance.
- 3) Part 390 - General; accident register and records information as required by 49 CFR 390.15. Copy of your accident register and all accident files.
- 4) Part 391 - Qualifications of Drivers records as required in 49 CFR 391.51. A list of currently employed drivers***. Each driver's qualification file including among other things, an employment application, medical examination certificates, copy of their driver's license, State motor vehicle/license record check, previous employer's check, driver's annual list of motor vehicle violations, carrier's annual review of driver's qualifications, and carrier's annual State motor vehicle/license record check.

*** Provide a list of currently employed drivers (including first name and middle initial) with their date of employment (hire date(s)) CDL Number and state of issue, and date of birth.

09/11/2003 02:00 3405442484

- 5) Part 395 - Records of duty status and all supporting documents as required in 49 CFR 395.8(k) for the past six months. Please be prepared to provide dispatch records and bills of lading.
 - 6) Part 396 - Provide a current list of all trucks, tractors and trailers, Inspection, Repair, and Maintenance records as required in 49 CFR 396.3, vehicle inspection records as required in 49 CFR 396.9, driver vehicle inspection reports as required in 49 CFR 396.11, periodic inspection as required in 49 CFR 396.21, and brake inspector qualifications as required in 49 CFR 396.25. This includes all of your vehicle maintenance records and files, all of your driver vehicle inspection reports (daily) for the past 90 days, all roadside inspection reports completed by State "DOT" inspectors for the past 12 months, and proof of the annual inspection on each vehicle. You must also provide evidence of your vehicle and brake inspector qualifications including those repair shops and facilities you use.
 - 7) If you operate for-hire, a copy of your FHWA (formerly ICC) Certificate of Registration.
 - 8) If you transport or ship hazardous materials, Part 397, Part 177 and Part 180 of the Hazardous Material Regulations: A copy of your current Hazardous Materials Certificate of Registration, copies of completed shipping papers and hazardous waste manifest, cargo tank manufacturer's certificates, cargo tank inspection reports, evidence hazardous materials training has been given to all hazardous material employees, and a summary of the training materials used.
 - 9) Please complete the attached "Information Request" document which will expedite the review process. It is recommended that this information be collected and available prior to the scheduled review date.
- If you have any questions regarding this letter or the scheduled compliance review please feel free to contact me at 940-544-2484 or 405-605-6047.

Sincerely,



Martha J. Brooks
Safety Investigator

Attachments

INFORMATION REQUEST
(PLEASE PROVIDE THE FOLLOWING)

Full Legal Name James Edward Folber
 Operating (DBA) "
 Physical Address RT 1 Hwy 31 KINTA OK 74552 Phone # 918 768 3441
 Mailing Address PO Box 156 Fax # 918 768 3194
 City KINTA State OK Zip Code 74552 Toll Free # _____
 Employee ID Number (EIN/Federal Tax ID#) _____ or Social Security # 415-70-5324
 USDOT # 495192 ICC# MC- _____ Internet Address _____
 Principal cargo(s) transported Cattle
 Corporate Officers: President NA Vice President NA
 Secretary NA Treasure NA
 Gross Revenue (total sales) last full year ☐ Calendar Year ☒ Calendar Year \$ 140143.00
 Accounting Period Ending Date (ex. 12-31-99) 12-31-02 Total Fleet Mileage for Prior 365 days 420553
 Drug Testing Consortium (if applicable): Name Panhandle
 Address PO Box 37 City Nolana State TX Zip Code 76255
 Phone 940 825 3564 Contact Carolyn

Total No. Drivers	Intra-State	Inter-State	Equipment	Truck	Truck Tractor	Trailer	HM Tank Truck	HM Tank Trailer	Other (Bus, etc.)
100 air mile		1	Owned		6	5			
Beyond 100 air miles		4	Term Leased						
			Trip Leased						

If SHIPPING OR TRANSPORTING ANY quantity of HAZARDOUS MATERIALS, check the appropriate blank(s) below: NA

Class 1 ☐ Carried ☐ Shipped Class 4 ☐ Carried ☐ Shipped Class 7 ☐ Carried ☐ Shipped
 Class 2 ☐ Carried ☐ Shipped Class 5 ☐ Carried ☐ Shipped Class 8 ☐ Carried ☐ Shipped
 Class 3 ☐ Carried ☐ Shipped Class 6 ☐ Carried ☐ Shipped Class 9 ☐ Carried ☐ Shipped

Please provide 5 sample shipping papers for each class of Hazardous Materials Shipped/Transported.

USDOT Hazardous Materials Registration # _____ (If required).

Please provide a copy of current registration.

Information provided by:

James Folber owner
 Name Title

9-21-03
 Date

October 10, 2003

Mrs. Fobber:

The following is a list of the records you were requested to provide. If you have not provided the following information, please fax to me at 940-544-2484 or 405-605-6176 no later than Monday, October 13, 2003.

1. Part 382. Controlled Substances and Alcohol Use Testing records required in 49 CFR 382.401. This includes, but is not limited to all drug and alcohol testing paperwork and results for the past 12 months; and all positive test results and all prior employer checks for the past 24 months.
2. Part 391. Qualifications of Drivers records as required in 49 CFR 391.51. A list of all drivers employed in the past 12 months (including full name—first, middle initial, and last) with their date of employment (hire date and termination date [if applicable]), CDL Number and state of issue, and date of birth. Each driver's qualification file should include among other things, a proper employment application, medical examiner's certificate, copy of their CDL, state motor vehicle/license record check, previous employers' check, driver's annual list of motor vehicle violations, carrier's annual review of driver's qualifications, and carrier's annual state motor vehicle/license check.
3. Part 395. Records of duty status and all supporting documents as required in 49 CFR 395.8(k) for the previous six months for ALL drivers used in the past six months. Provide the dispatch records, bills of lading and payroll records for all trips in the past 6 months.
4. Part 396. Provide a current list of all trucks, tractors, and trailers including copies of registration for each. Provide inspection, repair, and maintenance records as required in 49 CFR 396.3, vehicle inspection records as required in 49 CFR 396.9, driver vehicle inspection reports as required in 49 CFR 396.11, periodic inspections as required in 49 CFR 396.21. Provide evidence of your vehicle and brake inspector qualifications including those repair shops and facilities you use as required in 396.25.

More specific information can be found in the Federal Motor Carrier Safety Regulations found in 49 CFR Parts 382 through 396.

Martin J. Brooks

11-22-03
James E Fobber
PO Box 156
KINTADK 74552

US Dept of Transportation
Federal Motor Carrier
Safety Administration
Southern Service Center
Atlanta Federal Center
61 Forsyth St. SW Suite 1775
Atlanta, GA 30303-3104

Reply to Notice of Claim - Case Number: OK-2004-0001-US0218
and Request for oral hearing.

Violation 1

Charge 1 - I deny that I violated 49 CFR 382.301(a). I did not use Rodney A Crabb on 4-11-03 to drive unit 5 from Styler to Arkansas. He was a co-driver in another company's vehicle & was attempting to bring my abandoned vehicle home to me when he was stopped at Crittendon County Arkansas and I had to go there to pick up my vehicle.

Violation 2

Charge 1 - I deny that on 6-17-03 my driver, Jimmy Montague drove unit 7 without having been physically examined and have the document from his physician in my hand.

Violation 3

Charge 1 - I deny that on 4-22-03 I failed to preserve driver, Marvin Bowens record of duty status as Mr Bowen had not worked for me for some time therefore I had nothing to preserve.

I do not believe I should pay a civil penalty & would like to be heard concerning this matter.

Sincerely,

James E Folber

JAMES E FOLBER

P.O. Box 156

KWTA OK 74552

918-768-3441

Service List

This is to certify that on Nov. 24-63 the undersigned sent to each of the parties below by the method indicated the reply + request for oral hearing

USDOT Dockets

certified to return

US Dept of Transportation

400 7th St SW Room D1-401

Washington DC 20590

US Dept of Transportation

Federal Motor Carrier Safety Administration

certified to return

FMCSA Docket Clerk

Southern Service Center

Atlanta Federal Center

61 Forsyth St SW Suite 17T75

Atlanta GA 30303-3104

US Dept of Transportation

certified to return

^{Motor} Federal Carrier Safety Administration

FMCSA Staff Counsel

Sam Nunn Federal Center

61 Forsyth St. SW Suite 17T75

Atlanta GA 30303-3104

MAC K&L Division Administrator

certified to return

US Dept of Transportation

Federal Motor Carrier Safety Administration

300 N Meridian

Suite 106 South

OKC, OK 73107

James E. Foltz